

10-58-105

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) - Possession with intent
 to distribute cocaine; 21 U.S.C. § 853(a) - Drug Forfeiture
E-filing
☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: (1) Imprisonment: Maximum 20 Years.
 (2) Fine: \$1,000,000
 (3) Supervised release: Min 3-year term; Max 6-year term
 (4) Special assessment: \$100.00

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

FEB 11 2010

DEFENDANT - U.S.

RICHARD FERNANDEZ

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DISTRICT COURT NUMBER

CR10-00098**DLJ****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

10-70025 LB

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO
☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Joshua Hill, AUSA**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

CR10-00098

DLJ

UNITED STATES OF AMERICA,

v.

E-filing

RICHARD FERNANDEZ,

FILED

FEB 11 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

INDICTMENT

21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C) –
Possession with Intent to Distribute Cocaine;
21 U.S.C. § 853(a) – Drug Forfeiture

A true bill.

Walter Bailey Foreman

Filed in open court this 2/11/2010 day of

R. Scott Clerk

CLP

Bail, \$ no prob

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

E-filing

FILED

FEB 11 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD FERNANDEZ,

Defendant.

CR10-00098 DLJ

Criminal No.

VIOLATION: 21 U.S.C. §§ 841(a)(1) &
841(b)(1)(C) – Possession with Intent to
Distribute Cocaine; 21 U.S.C. § 853(a) –
Drug Forfeiture

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) - Possession with Intent to Distribute Cocaine)

1. On or about October 29, 2009, in the Northern District of California, the
defendant,

RICHARD FERNANDEZ,
did knowingly and intentionally possess with intent to distribute a Schedule II controlled
substance, namely, a mixture and substance containing a detectable amount of cocaine, in
violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

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INDICTMENT
U.S. v. FERNANDEZ

3. Upon a conviction of the offense alleged in Count One, defendant,

shall forfeit to the United States all right, title and interest in property constituting and derived from any proceeds defendant obtained, directly or indirectly, as the result of such violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation, including but not limited to a sum of money equal to the total amount of proceeds defendant derived from the commission of said offense.

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided

without difficulty;

any and all interest defendant has in any other property, up to the value of the property described in paragraph 3 above, shall be forfeited to the United States pursuant to Title 21, United States Code, Section 853(p).

All in violation of Title 21, United States Code, Sections 853(a)(1), (a)(2) and (p) and

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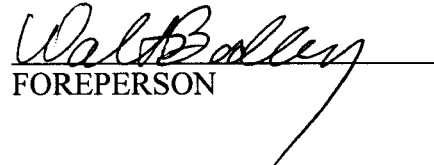
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1 Rule 32.2 of the Federal Rules of Criminal Procedure.

2
3 Dated: February 11, 2010

A TRUE BILL

4
5 
FOREPERSON

6
7 JOSEPH P. RUSSONIELLO
United States Attorney

8
9 
10 MAUREEN BESSETTE
Chief, Oakland Branch

11
12 (Approved as to form:


AUSA J. HILL